IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 479 OF 2006
WITH
CIVIL APPLICATION NO.595 OF 2006

Shri Namdeo Gangaram Shingade. ...Appellant
(Orig.Plaintiff)

V/s.

The State of Maharashtra & Anr. ...Respondents
(Orig.Defendants)

Shri R.A. Thorat and Shri P.J. Thorat for Appellant.
Shri D.P. Adsule, AGP for Respondent No.1.
Shri Rahul Jathar holding for R.M. Sawant for Respondent No.2.

CORAM : A.M. KHANWILKAR, J.

DATED : JULY 25, 2006

P.C. :-

. After hearing Counsel appearing for the parties and having regard to the nature of controversy involved in the main proceedings pending before the lower Court in the present suit as well as four other suits involving the same issue pertaining to allotment of land to the respective plaintiff, it was suggested that parties may consider agreeing to treat Special Civil Suit No.9 of 2006 pending before the Civil Judge, Senior Division, Panvel as leading case and hearing of that suit can be expedited.

. Pursuant to the said suggestion, Counsel for the parties, on instructions, state that they have no difficulty in adopting that course. Under the circumstances, this appeal is disposed of on the following terms :-

1. The parties to the present Appeal agree that the Special Civil Suit No.9 of 2006 pending before the Civil Judge, Senior Division, Panvel which is the subject matter be tried as a leading case dealing with the cancellation of allotments of the suit plot by the Respondent No.2.

2. The Respondent No.1 shall file its Written Statement in Special Civil Suit No.9 of 2006 within a period of 8 weeks from today.

3. The hearing of Special Civil Suit No.9 of 2006 pending before the Civil Judge, Senior Division, Panvel will be completed on or before 31st May, 2007.

4. The ad-interim relief granted by the Civil Judge, Senior Division, Panvel in Special Civil Suit No.9 of 2006 directing the parties to maintain status-quo in respect of the suit plot and further continued by this Court will continue to remain in force pending the hearing and final disposal of the Special Civil Suit No.9 of 2006.

5. The observations contained in the impugned Judgment and Order dated 5/4/2006 passed by Civil Judge, Senior Division, Panvel below Exhibit-5 in Special Civil Suit No.9 of 2006 will not affect the final decision of the Special Civil Suit No.9 of 2006 on merits.

6. Parties to act on authenticated copy of this order.

. Appeal as well as application disposed of accordingly.

(A.M. KHANWILKAR, J.)